

(6) Marks registered before the coming into force of this Act shall be treated as word marks or as design marks according to the following rules:—

- (a) Any mark consisting of words and/or figures only without any indication of a special form or appearance shall be deemed to be a word mark. 5
- (b) Any other mark consisting of words and/or figures only shall be deemed to be a word mark if at the date of its registration the words and/or figures would have been registrable independently of any defined special form or appearance and shall also be deemed to be a design mark for reading matter presenting the special form or appearance defined. 10
- (c) Any mark including words and/or figures in combination with other features shall be deemed to be a design mark having the features described in the application therefor but without any meaning being attributed to the words or figures, which shall, however, also be deemed to constitute a word mark if and so far as they would at the date of registration have been registrable independently of any defined form or appearance and without being combined with any other feature. 15
- (d) Any other mark shall be deemed to be a design mark having the features described in the application therefor. 25

No trust to be registered.

24. There shall not be entered in the register any notice of any trust expressed, implied or constructive, nor shall any such notice be receivable by the Registrar.

Register to be open to inspection.

25. The register and the documents upon which the entries therein are based shall be open to inspection by the public during business hours and a copy of any entry in the register or any such document, certified by the Registrar under his official seal, shall be furnished by him upon request and upon payment of the fee prescribed therefor. 30

#### REGISTRABLE TRADE MARKS

What word marks are registrable.

26. Subject as otherwise provided in this Act, a word mark shall be registrable if it:

- (a) does not contain more than twenty letters and/or numerals divided into not more than three groups, 40
- (b) is not the name of a person, firm or corporation,
- (c) is not, to an English or French speaking person, clearly descriptive or misdescriptive of the character or quality of the wares in connection with which it is proposed to be used, or of the conditions of, or the persons employed in, their production, or of their place of origin, 45